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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,529	07/27/2001	Tetsuya Yoshimi	Q65338	7036

7590 02/13/2006

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

MILEF, ELDA G

ART UNIT PAPER NUMBER

3628

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/915,529	YOSHIMI ET AL.	
	Examiner	Art Unit	
	Elda Milef	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/18/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 8/18/2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because a translation is not provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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2. Claims 1-3, 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase "game space" is not defined or described in a manner that permits the Examiner to understand its meaning.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-5, 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Minton (PG Pub. No. US 2002/0091611 A1).

Re claim 1: Minton discloses:

The Examiner is interpreting "game space" as a server.

buying order receiving means for receiving a buying order of a venture target from each player;

selling order receiving means for receiving a selling order of a venture target from each player;

("These data processing systems are controlled by a user trading program which allows a user to enter offers to buy and sell securities, as well as to view and accept offers to buy and sell securities which have originated from other users.")-see para. 58.

owned venture target type managing means for managing at least the type of the venture target virtually owned by each player in a game space, based on said buying order and said selling order ("Server 316 is provided to allow users 302-310 to view each other's buy and sell orders, as well as to allow for the management of these orders and of the individual securities trading network as a whole.")-see para. 53.

venture target type storing means for storing the type of venture target virtually owned by each player in the game space ("Generally, when functioning as a server, data processing system 20 will have more processing power, storage capability, memory, etc. than when it is functioning as a user's data processing system.")-see para. 32; pars. 38,54; and Fig. 2 (56,58,62).

venture target related information obtaining means for obtaining venture target related information in association with the type of venture target ("Also, server 316 can server [sic] as a interface to other computing resources such as the Internet, financial news services...")-see para. 55 and ("Activation of research button 408 allows a user to display fundamental and technical information on a company...")-see para. 62; also, see para. 65;

destination determining means for determining players who are the destination of the venture target related information obtained by said venture target related information obtaining means, based on said type of venture target associated with said venture target related information and the stored content of said venture target type storing means ("Activation of research button 408 allows a user to display fundamental and technical information on a company...Activation of stock watch button 412 allows a user to activate ticker tape 440...a user can personalize ticker tape 440 so that only the stocks of interest to the user will be displayed...Last new button 438 displays recent news stories regarding the security listed in field 436.")-see pars. 62-65, and para. 37;

venture target related information transmitting means for

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transmitting the venture target related information obtained by said venture target related information obtaining means, to the players determined by said destination determining means

("System bus 54 typically includes data lines for sending data, address lines for sending addresses, and control lines for sending interrupts and for operating the system bus."-see para. 37 and pars. 45,46,51,52, 65.

Re claim 4 has similar limitations found in claim 1 above, therefore is rejected by the same rationale.

Re claim 5: Minton discloses:

said venture trade is stock trade;

said venture target is a stock;

said type of venture target is stock brand;

-see pars. 14-16;

said system is configured as a stock related information distribution system. -see pars. 62-65.

Re claim 7: Minton discloses:

wherein said venture target type storing means stores the type of venture target owned by each user in reality or virtually, with association to each user-see 38, 54, 63.

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Re claims 8 & 9: Further a method would have been necessary to perform the system of previously rejected claims 1 and 4 and therefore are rejected using the same art and rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minton in view of Ganesan, Vasantha.

MoneyCast in Tie-up to Launch Virtual Stock Game. Business Times. Kuala Lumpur: May 16, 2000, pg. 6.

Re claim 2: Minton discloses:

said venture trade is stock trade;

said venture target is a stock;

said type of venture target is stock brand;

-see pars. 14-16.

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Minton does not disclose said game system is configured as a virtual stock trade game system. Ganesan however, teaches ("REAL-time financial data provider MoneyCast, together with Arab- Malaysian Securities Sdn Bhd, SIEMENS Malaysia Sdn Bhd, TheEDGE and Maxis Communications Bhd, will launch a new virtual stock trading game known as the "Million RM Stock Game" on May 22. The virtual game aims to provide local and regional investors with the benefits of online trading without the exposure to risk, and the use of professional tools to aid in making investments.")-see fulltext, pars. 1 and 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Minton to include making the securities trading system disclosed by Minton into a virtual stock trading game as taught by Ganesan in order to provide investors with the experience of online trading without exposure to risk.

5. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton in view of Baker (US Patent No. 6,405,204).

Re claim 3: Minton discloses:

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electronic mail address storing means for storing the electronic mail address of each player-("Besides allowing users to buy and sell securities from each other, server 316 performs many other functions. For instance, server 316 can provide e-mail and video conferencing services to the users...")-see para. 55. Also, see pars. 46,52. Electronic mail addresses are necessary in order for e-mail to be sent and received. Therefore, it is obvious that the system disclosed by Minton would store e-mail addresses.

Although Minton discloses receiving fundamental, technical, ticker tape and recent news event data pertaining to a particular security, Minton does not specifically disclose wherein said venture target related information transmitting means changes said venture target related information into electronic mail messages and transmits said venture target related information to the players as electronic mail based on the stored content of said electronic mail address storing means. Baker however, disclose ("Users have the ability to define at least one area in a hierarchy of industry, sector, sub-sector, or group levels, for setting alerts. Users can also request tickers of individual companies. The invention also provides news alerts for at least one user selected hierarchy level and/or an individual ticker symbol. Users are

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alerted when a news story, linked to a user-specified group or ticker, is created. The invention uses a proprietary, product/service hierarchy methodology for categorization of companies, wherein the categorization methodology automatically extends the functionality to deliver a plurality of other alert notifications associated with subsidiary classifications, constituent companies classifications, or to securities instruments. A preferred implementation of communication delivery is standard e-mail as well as XML using push technology. ") -see col. 3, lines 22-34 and ("Performance Alerts") -see cols. 5, 6, ("the alert system 810 creates and sends the alert notification to the user's e-mail account.") -see col. 18, lines 7-11. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Minton to include sending e-mail messages to the users containing information relating to securities to be traded as was taught by Baker in order to allow users to monitor changes in relevant securities data as quickly as possible.

Re claim 6 has similar limitations found in claim 3 above, therefore is rejected by the same rationale.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent No. 5,890,963 (Yen)-Cited for a system and method for maintaining continuous and progressive game play in a computer network, in particular the games may include stock market simulator.


US Patent No. 5,713,793 (Holte)-Cited for a trading game.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday - Friday 9:15 am to 5:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


HYUNGSONCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600